

February 28, 2005

WEST VIRGINIA BULLETIN NO: WV360-5-20

SUBJECT: Jury Duty/Court Leave Policy

Purpose: To update and inform employees of their responsibilities concerning court leave/jury duty summons.

Expiration Date:

Requests for court leave for jury duty must be approved in advance by the employee's supervisor. Court leave must be requested on an [OPM 71](#), Request for Leave or Approved Absence. A copy of the OPM 71 must be sent to your timekeeper. It is expected that supervisors will grant court leave for jury duty. A copy of the jury duty or court summons must be attached to the time and attendance report for the appropriate pay period(s). Submit a copy of the jury duty or court summons to your timekeeper along with a copy of the OPM 71.

The State Conservationist is the final approving authority for court leave. If the State Conservationist concurs with the supervisor's decision to not grant the court leave, the STC must prepare the denial letter to the court. Any fees paid to a witness or juror on court leave must be submitted to the administrative office. [Please refer to 360-GM Amend. WV-31.](#)

Please also take note of the following items concerning court leave:
([Refer to 360-GM Amend. 102](#))

1. An employee may be granted court leave from the report date stated in the summons, through the date discharged from court.
2. An employee is expected to report to work when they are excused from jury duty for a day, or a substantial portion of the day.
3. If an employee is on annual leave when called for jury service, court leave should be recorded on their T&A in lieu of annual leave.
4. An employee on leave without pay, may not be granted court leave when called to jury duty.

- 5. The supervisor must ensure the documentation (OPM 71 & copy of jury duty or court summons) is adequate to support the use of court leave.**
- 6. Employees are responsible for submitting a copy of the OPM 71 & copy of the jury duty or court summons to their timekeepers.**

Please take note of the following items concerning witness service:

- 1. An employee called as a court witness to testify in an “official capacity” no matter on whose behalf, is in official duty status rather than on court leave. The employee must be paid government travel expenses as appropriate.**
- 2. An employee summoned as a witness to testify in a “nonofficial capacity” on behalf of either party, as long as one of the parties is Federal, State, or local government, is entitled to court leave during the time absent as a witness.**
- 3. If the witness service is on a nonofficial capacity on behalf of a private party and the government is not one of the parties, the employee’s absence must be charged to annual leave.**

If you have questions, or need additional information, please contact Charlotte Wertz at 304-284-7551, or Charlotte.Wertz@wv.usda.gov.

LILLIAN V. WOODS
State Conservationist

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